OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 15

May 22, 2013

SUBJECT: CAL/GANG SYSTEM AND GANG FILE GUIDELINES AND RELATED SUBSECTIONS - REVISED; CAL/GANG CARD, FORM 12.16.09 - RENAMED AND REVISED

purpose: In order to clarify the purpose of the Cal/Gang system and update the Department's definitions, the attached guidelines and procedures associated with gang criteria, documentation, files and crime analysis have been revised to refine the procedures for collecting and maintaining gang-related information to conform with State and federal standards.

PROCEDURE: Attached are the revised Department Manual Sections 4/269 through 4/269.80 regarding Cal/Gang System, Gang File Guidelines, and related procedures, with the revisions indicated in italics.

The Cal/Gang Card has been renamed the Subject Identification Card, Form 12.16.09. It has been revised to reflect the exact criteria required by the California Department of Justice (DOJ) for identifying individuals as active or affiliate gang members.

Note: All completed Cal/Gang Cards existing prior to the issuance of the Subject Identification Card must be retained and secured by the originating gang investigative unit.

- A. Use of Form. This form is used to document information related to known or suspected gang members.
- **B.** Completion. The completion of this form is self-explanatory and must be completed by one or more of the following:
 - * Gang Impact Team officers and/or Detectives;
 - * Sworn Gang Support Staff; and/or,
 - * Gang Impact Team supervisors, who will sign and include their serial numbers on the card.

C. Distribution.

- 1 Original, placed into the Department hard-copy
 gang file.
- 1 TOTAL

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- II. GANG CRIME TRACKING AND ANALYSIS RENAMED AND REVISED.

 Department Manual Section 4/269.25, Gang Crime Tracking and Analysis has been renamed, Area Crime Analysis Detail and Gang Impact Team Support Staff Responsibilities.
- III. AUDITS AND PURGING OF CAL/GANG RECORDS RENAMED AND REVISED. Department Manual Section 4/269.80, Audits and Purging of Cal/Gang Records has been renamed, Inspections and Purging of Cal/Gang Records.

FORM AVAILABILITY: The Subject Identification Card is available on the Department's Local Area Network (LAN) within LAPD E-Forms. All other versions of the former Cal/Gang Card will be marked "obsolete" and placed into the divisional recycling bin. The "Form Use" link applicable to the Subject Identification Card is accessible in LAPD E-Forms. A copy of the Card is attached for immediate use and duplication. The Subject Identification Card will be available to order from the Department of General Services, Distribution Center, in approximately 90 days.

AMENDMENTS: This Order amends Sections 4/269 through 4/269.80 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, will review this directive and determine whether an audit or inspection will be conducted in accordance with Department Manual Section 0/080.30.

CHARLIE BECK Chief of Police

Attachments

DISTRIBUTION "D"

DEPARTMENT MANUAL VOLUME IV

Revised by Special Order No. 15, 2013

269. CAL/GANG SYSTEM AND GANG FILE GUIDELINES. Cal/Gang is a criminal intelligence database and adheres to the US code of federal regulations 28CFR part 23. The *Cal/Gang* System *will* be the Department's only authorized system for the collection, storage, and retrieval of gang information. The Los Angeles County Sheriff's Department is the Los Angeles County *Cal/Gang* Administrator. The Commanding Officer, Gang and Narcotics Division (GND), is the Department's *Cal/Gang*-Administrator.

269.10 DEFINITIONS.

Gang. A group of three or more persons who have a common identifying sign, symbol, or name, and whose members individually or collectively engage in, or have engaged in, a pattern of definable criminal activity creating an atmosphere of fear and intimidation within the community.

Note: Any group, including outlaw motorcycle gangs, prison gangs, posses, taggers, party crews, subversive groups and their associated memberships that qualify under the definition of a gang may be maintained in the *Cal/Gang* System.

Active Gang Member. A juvenile or adult who has been positively identified and documented as a gang member under the California Department of Justice's (DOJ) approved criteria.

Active Affiliate Gang Member. A juvenile or adult who is identified as one who associates with a gang, but is not necessarily a full member.

Gang Officer. Any officer, *sergeant* or detective assigned to a Department-authorized gang investigation unit including, but not limited to, Area Gang Impact Teams (GIT), Bureau Gang Coordinators, and Gang and Narcotics Division (GND).

Gang-Related Crime. Any crime may constitute a gang-related crime when the suspect or victim is an active or affiliate gang member, or when circumstances indicate that the crime is consistent with gang activity.

Note: Crime consistent with gang activity can include, but is not limited to, incidents when:

- The suspect or victim has a gang tattoo(s);
- The suspect or victim has a gang moniker;
- A statement indicating gang involvement was made;
- The suspect or victim demonstrated gang behavior; or,
- Multiple suspects and gang modus operandi (MO) were involved.

Determining if a crime is gang-related is subjective in nature and is a result of *the* totality of the circumstances. Classification cannot be accomplished accurately without a high degree of gang expertise or validation through the *Cal/Gang* System.

DEPARTMENT MANUAL VOLUME IV

Revised by Special Order No. 15, 2013

One or more of the following gang-related criteria will be used to justify that a crime is gang-related. The reference number correlating to the applicable criteria will be entered on the Gang Tracking Information Record for each crime classified as gang-related and should be highlighted and/or circled on the report (e.g., Investigative Report, Arrest Report, etc.) itself.

Reference Gang-Related Number Justification Criteria.

- 1. The suspect or victim is a known gang member previously entered into the *Cal/Gang System*.
- 2. The suspect or victim is a known gang member or affiliate (validated by information in the Automated Field Interview [AFI]/NECS, or witness/victim's statements).
- **3.** The suspect or victim has a gang tattoo(s).
- **4.** The suspect or victim has a gang moniker.
- 5. A statement indicating gang involvement was made.
- **6.** The suspect or victim was "dressed down" or wearing gang colors or clothing.
- 7. The suspect or victim was demonstrating gang behavior (using gang hand signs).
- 8. Multiple suspects and gang Modus Operandi (MO) involved.
- **9.** The location of the crime was within identified gang boundaries, or at a known gang location or hangout.
- 10. Similar reports where the suspects were identified as gang members (similar MOs, suspects, times and location).
- 11. The type and/or MO of the crime is inherently gang-related (e.g., drive-by shootings, etc.).

The Area GIT officer in charge *must* approve the gang-related crime classification. In the rare circumstance when the classification cannot be determined at the Area level, the Bureau Gang Coordinator *must* make the determination. When the Bureau Gang Coordinator cannot determine the classification, the Commanding Officer, GND, *will* make the final determination.

Gang-Related Statistical Crimes. When the following violent crimes are determined to be gang-related, they *will* be monitored statistically by the Department to assess the level of gang crime in an Area. The statistically-monitored gang-related crimes are:

- Murder:
- Attempted Murder;
- Felony Assault;
- Assault on a Police Officer (including Battery, Assault with a Deadly Weapon and Attempted Murder on a Police Officer);
- Robbery;
- Shots Fired into an Inhabited Dwelling:
- Kidnap;
- Rape;
- Arson;
- Witness Intimidation (including *Criminal* Threats);
- Extortion;
- Carjacking; and,

Violation of Gang Injunctions.

Hard-Copy File. The Subject Identification Card, Form 12.16.09, will be the only Department-authorized hard-copy file that contains detailed information on gang members. The hard copies will be maintained and secured by the originating gang investigation unit.

Note: All completed *Cal/Gang Cards*, existing prior to the issuance of the *Subject Identification* Card *must* be retained and secured by the originating gang investigative unit.

269.20 CRITERIA FOR GANG MEMBER DOCUMENTATION. The following criteria have been established by the *Cal/Gang* Executive Board that oversees the operation of the *Cal/Gang System* Statewide, for identifying individuals as gang members or gang affiliates:

Gang Membership Criteria. Indicators of gang membership shall include <u>at least two</u> of the following criteria:

- Subject admits to gang membership in a non-custodial situation;
- Subject was identified as a gang member by a reliable informant or source. This includes the required registration by a court order as described in California Penal Code Section 186.30:
- Subject was identified as a gang member by an untested informant or source with corroborative evidence;
- Subject was seen wearing gang-type clothing;
- Subject was seen displaying gang symbols and/or hand signs;
- Subject has identifiable gang tattoo(s);
- Subject was seen frequenting gang areas;
- Subject was seen affiliating with documented gang members;
- Subject was arrested with known gang members for offenses consistent with usual gang activities; or,
- Subject admits gang membership in an in-custody classification hearing. This is the only criteria that may stand alone as a single criterion for entry into the system. All others require two, to be met.

Note: This is to be documented on the Inmate Classification Questionnaire and Record of Medical Screening, Form 05.36.00 and a copy of which will be securely stored in the gang office as a source document.

When two or more of these criteria are met, a Subject Identification Card will be completed by a gang officer or sworn gang support staff for entry into the Cal/Gang System. Subject Identification Cards will not be made for individuals that do not meet the criteria.

Gang Affiliate Criteria. An individual who meets only one of the above criteria and is *detained* with a documented gang member, may be designated as a gang affiliate and entered into the *Cal/Gang* System. The gang officer *or sworn gang support staff must* document the name of the

documented gang member with whom the affiliate is associating, the gang member's date of birth, and his/her *Cal/Gang* number on the affiliate's *Subject Identification* Card.

269.25 AREA CRIME ANALYSIS DETAIL AND GANG IMPACT TEAM SUPPORT STAFF – RESPONSIBILITIES. The Cal/Gang System is based entirely on the accuracy and timeliness of the information entered into it. Area Crime Analysis Detail (CAD) and GIT support staff with requisite Cal/Gang training must:

- Input and update records in the Cal/Gang System;
- Ensure that all gang-related statistical crimes are MO coded "0906" in the Consolidated Crime Analysis Database (CCAD);
- Input all gang-related statistical crimes into the Cal/Gang Case Management System (CMS);
- Reconcile the entry of gang-related crimes between the Cal/Gang CMS and the CCAD;
- Enter predicate convictions into the CMS;
- Input active or affiliate gang member information into both the Cal/Gang and AFI Systems, as required;
- Assist gang officers by providing gang-related investigative leads;
- Compile and interpret gang-related information searches; and,
- Compile Area gang crime statistics.

269.30 CONTACTS WITH GANG MEMBERS.

Investigations and Arrests. When the arrest or preliminary investigation reveals that the crime is gang-related, the reporting officer *must* check the "Extra Copy" box on the front of the arrest report or IR indicating copies be sent to the appropriate Area gang detectives. The reporting officer *must* ensure that the narrative fully explains the rationale for determining that the arrest or investigation is gang-related.

Note: Suspected gang membership information may also be further investigated by contacting the Area Gang Impact Team or Bureau Gang Coordinator.

Field Identification. Officers who contact a suspected active or affiliate gang member and determine that the completion of a Field *Interview* Report (FI Card), Form 15.43.00, is appropriate, *must* document at least two required gang membership criteria (as listed in Section 4/269.20, Criteria For Gang Member Documentation) and may include the following additional information on the FI Card:

- How gang membership was established (e.g., admits gang membership, tattoos, attire, etc.);
- The specific type of gang activity involved; and,
- The words "GANG MEMBER" or "GANG AFFILIATE" in the narrative portion of the FI Card, depending upon the criteria documented by the officer.

Upon supervisory review and approval of the FI Card containing gang-related information, it will be routed to the Area GIT where the FI Card was completed for review and verification. Only a GIT officer, sergeant, detective or sworn gang support staff may complete a Subject Identification Card if the criteria for a gang member or gang affiliate has been met.

The Subject Identification Card must be reviewed, approved and signed by a GIT supervisor, prior to it being entered into the Cal/Gang System. After completing the Subject Identification Card or if a card already exists, the Area Gang-CAD or assigned personnel must enter the new information into the Cal/Gang System within 14 calendar days. Gang FI Cards will be securely stored inside the gang office.

Note: Gang officers and other personnel who have completed the required *Cal/Gang* training may also input and update information into the *Cal/Gang* System.

269.40 MAINTAINING DEPARTMENT GANG FILES. Any non- *Cal/Gang* System or gang database is not authorized and *will* not be maintained by any individual or Department entity. Private or localized gang databases lack security controls and audit capability required for an intelligence database. As a result, their confidentiality and reliability is severely jeopardized.

Hard-Copy Files. Hard-copy files refer to the completed *Subject Identification* Cards, the Gang History Books and the Gang Photograph Books. These files contain information on street gangs, their members and affiliates who are, have been, or are likely to be involved in criminal activity and *will* only be maintained by Department-authorized gang investigation units.

Hard-copy files *must* remain secured and locked at all times *inside the gang office*. However, these files *will* have 24-hour accessibility through the Area watch commander for emergency usage.

Hard-copy files of Outlaw Motorcycle Gang members will be maintained at the originating gang investigative unit. A copy of the hard-copy file will be sent to Gang Support Section (GSS), Gang and Narcotics Division (GND). The original hard-copy Subject Identification Cards on prison gang members will only be maintained by GSS, GND. Hard-copy files on Asian gang members may be maintained by Gang Impact Teams, Bureau Gang Coordinators or Asian Crimes Unit, GND.

Note: Street Terrorism Enforcement and Prevention (STEP) books are not considered intelligence files.

Subject Identification Card Completion. Hard-copy Subject Identification Cards should be completed on all gang members and gang affiliates. The purpose for completing a Subject Identification Card is to document the original source for entry into the Cal/Gang System.

The completed Subject Identification Card must contain at least the following information:

- Complete name;
- Moniker:
- Date of birth;
- Identifying number(s);
- Juvenile/Parent notification;
- Cal/Gang number;
- Criteria rationale, circumstances and date documented;
- Name and serial number of officer obtaining information;
- Individual's photograph (if available);
- Complete name of gang or group; and,
- Approving Gang Impact Team *supervisor's* signature.

This information and all future updates shall be entered into the Cal/Gang System within 14 calendar days.

Note: As much information as possible should be placed on the *Subject Identification* Card. Once a *Subject Identification* Card has been completed with at least the above information, all future contacts or information *will* be documented on an FI Card, *Arrest or Crime Report* and input into the *Cal/Gang* System. Updating the *Subject Identification* Card for members and affiliates is not required.

Hard-Copy File Organization. The Department hard-copy files will be organized as follows:

- The Subject Identification Cards may include a copy of a current photograph of the gang member/affiliate. All Subject Identification Cards with a Cal/Gang number will remain on file regardless of status; and,
- Cards of inactive and deceased individuals without a *Cal/Gang* number must be removed from the files and destroyed.

269.50 *CAL/GANG* **SYSTEM AND GANG FILE SECURITY.** The purpose of the *Cal/Gang* System is to provide Department personnel with an investigative tool for conducting *criminal* investigations which may involve gang members or affiliates.

Predicate crimes and gang expertise in the *Cal/Gang System.* Successful prosecutions of gang enhancement cases *will* be entered in the *Cal/Gang* Case Management System, including current and all predicate crimes related to the case. In essence, the *Cal/Gang* System can serve as an automated resource for easily obtaining gang experts and predicate crime information for specific gangs. Gang Support Section *(GSS)*, Gang and Narcotics Division *(GND)*, will advise and assist in updating *Cal/Gang* user profiles and Case Management input for predicate crimes.

In order to make predicate crimes and gang experts available Countywide, it will be the responsibility of every gang officer to verify that his/her gang expertise is documented in the Cal/Gang System by the GSS, GND. Gang officers must document their court-qualified gang expertise in the Gang History Books maintained at their Areas of assignments.

The Bureau Gang Coordinator (BGC) must update their existing gang expertise lists for each officer in the database, on a quarterly schedule. The Cal/Gang Node Administrator is responsible for updating the gang expertise information from the database into the Cal/Gang System quarterly, for each gang officer.

Gang Officer's Responsibilities. Every gang officer should become an expert in each of his/her assigned gang(s) as soon as practical. Once expertise has been established, it must be documented in the Gang History Book.

Gang Detective's Responsibilities. Gang expertise by detectives must be documented in the Gang History Book. When a gang detective becomes aware of an arrest of any gang member in his or her Area, gang enhancements must be considered before filing charges. If necessary, the detective should be guided by the recommendation of the filing deputy from the City Attorney's or District Attorney's Office. When a case is filed with gang enhancements, the gang detective must ensure that the information on the predicate crimes is entered into the *Cal/Gang* System.

Confidentiality. All Department personnel are reminded that it is not a crime in and of itself to be a gang member. It is incumbent upon the Department to protect the confidentiality of the Cal/Gang System and the Department gang files, and to safeguard the Constitutional Rights of those identified. As a result, access is restricted to gang officers or personnel who have met the "right to know and need to know" criteria. The Cal/Gang System, or information contained therein, must not be referenced in any report, affidavit, court testimony, or deposition nor should it be used to prove or disprove gang membership.

Note: The Cal/Gang System is a "pointer" system or "search engine" that compiles and links information derived from primary sources (source documents), such as Field Interview Reports (FI Card), Form 15.43.00, arrest and crime reports, and other sources of information. These primary sources will be the only documents used to demonstrate gang membership or affiliation and must contain the requisite number of classification criteria as described in Section 4/269.20 of the Department Manual.

Retrieval of System Files and Photocopies. Authorization to print from the *Cal/Gang* System will only be obtained from the Commanding Officer, GND or his/her designee. If approval is obtained, these printouts must not be copied, faxed, or mailed without approval from the Commanding Officer, GND or his/her designee. Any printouts or copies from the *Cal/Gang* System or hard-copy files will not be used as addenda for reports (e.g., search warrants, arrest warrants, or gang injunctions, etc.). They will not be placed in personal ready reference files, investigative notebooks, case packages, or homicide books.

At the culmination of an investigation, the investigating entity will contact GND for guidance in the handling of documents and forward any Cal/Gang printouts to GND for proper filing or destruction.

Printouts from the *Cal/Gang* System or hard-copy file(s) photocopies, facsimiles (faxes), or any forms of reproductions *will* **not** be taken out of the gang investigation entity's office without prior approval *from* the Commanding Officer, *GND*.

Off-Hour and Emergency Access. Murders, assaults on police officers, and high-profile crimes may occur at anytime and may require access to the *Cal/Gang* System to ensure timely information is available to the investigating officer (I/O).

Access. Accessing the Cal/Gang System requires proper training and a password. Training is provided by Gang and Narcotics Division (GND) personnel. A 16-hour course provides training to allow input into the Cal/Gang System, Cal/Gang Case Management Systems and an 8-hour course provides training for query access, only. Under emergency situations, when personnel trained to access the Cal/Gang System are not available, the I/O must telephonically request assistance by contacting the person named in the GND/GSS notification roster. This roster is maintained by the Department Command Post, Real-Time Analysis and Critical Response (RACR) Division.

Printing. If the I/O determines that *Cal/Gang* information needs to be printed, the I/O *must* follow the above procedure for approval and its use.

The I/O will be guided by the directions of the Commanding Officer, GND or his/her designee for proper disposition of the printed information.

Discovery Motions and Court Requests for Records. The Commanding Officer, GND is the Department Custodian of Records for the *Cal/Gang* System and for all hard-copy gang files throughout the Department.

The Commanding Officer, GND or his/her designee (Node Administrator), must be notified of all legal requests pertaining to information or records from the Cal/Gang System and/or any hard-copy gang files. Gang investigation units will follow the direction of the Commanding Officer, GND or his/her designee in handling legal requests for gang information. These units must receive prior approval from the Commanding Officer, GND or his/her designee before releasing any information.

Note: Department employees that have been served with Subpoenas Duces Tecum (SDT) or discovery requests pertaining to Cal/Gang records must notify the GND Cal/Gang Node Administrator for handling of these legal requests and must receive prior approval from the Node Administrator before releasing any information.

269.60 PHOTOGRAPHING KNOWN OR SUSPECTED GANG MEMBERS. Only gang officers, *gang sergeants* and gang detectives are authorized to take non-booking identification photographs of active and affiliate gang members.

Field Photographs of Suspected Gang Members. Gang officers, *gang sergeants* and gang detectives *must* adhere to the following guidelines when photographing a suspected gang member or gang affiliate:

- Officers *must* not use physical force or any other form of coercion in acquiring a photograph;
- Officers *will* request and receive permission from the individual prior to taking a photograph when that person is not being arrested or otherwise legally detained;
- Officers will not pose the individual with name or Subject Identification Cards;
- Individuals photographed *will* be unrestrained and on public property (e.g., not handcuffed or in the back seat of a police vehicle);
- Officers *will* conduct the photographing process contemporaneously with the completion of the FI Card;
- Photographing may not extend the time necessary to complete the interview process; and,
- A full explanation *will* be provided to the suspect as to the purpose of the photograph.

Security of Gang Member/Affiliate Photographs. Gang Photo Books *must* only be maintained by gang units and *should* be secured at all times. Gang Photo Books are an important tool in the investigation of gang-related crimes and differ from regular photo or mug books in that they are assembled by gang and not by criminal offense. Gang Photo Books are considered part of the Department's hard-copy gang files. Gang officers *will* follow the same security measures with respect to protecting gang member and affiliate photos as exercised for the *Cal/Gang* System and the hard-copy files. Gang Photo Books *will* only be taken into the field with the approval of a GIT supervisor or the Area watch commander and the Document Sign Out Log, Form 15.31.00, *must* be utilized.

Note: An automated database is permitted to be used as an index for the Gang Photo Books, consisting only of the gang member/affiliate's name, *Cal/Gang* number, moniker and Gang Photo Book page number. If an automated database is used, a copy of the printed index *must* be attached to the index portion of the Gang Photo Book. All prior printing conditions apply if this index is printed out.

Photograph*ic* **Line-Up Procedures.** The *Cal/Gang* System has the capability of producing a photographic line-up for investigative purposes. Photographs *will* not have the name of the gang member on the photo. Photographs may be copied for photo books.

When *Cal/Gang* generated photo line-ups are not available, I/Os *will* use the Department's existing established photo line-up procedures when selecting photos.

269.70 NOTIFICATION TO PARENT OR GUARDIAN OF JUVENILES. Gang officers *must* attempt to notify a juvenile's parent or guardian in person when a juvenile is to be added to the Department's gang files. When an in-person or telephonic notification to the parents or guardian is not possible (e.g., conflicting work schedules, residence outside of the City, etc.), the investigating GIT OIC *will* cause a letter to be mailed to the parents or guardian utilizing the Gang Affiliation Letter, Form 12.16.05, or the Gang Affiliation Letter (Spanish Version),

Form 12.16.06. The manner of notification (in-person, telephonic, letter, etc.), date, and officer making the notification *will* be indicated on the *Subject Identification* Card.

Exception: When parental notification may jeopardize an active criminal investigation, such notification may be delayed. However, once the investigation is no longer jeopardized, the gang investigation unit OIC *must* cause the parent or guardian to be advised telephonically, by mail, or in-person of the date, time, and circumstances under which the juvenile's name was entered into the Department's gang files.

269.80 *INSPECTIONS* **AND PURGING OF** *CAL/GANG* **RECORDS.** Routine and thorough *inspections* and purging of outdated *Cal/Gang* records enhance the credibility and reliability of both the *Cal/Gang* System and the hard-copy files.

Inspections. Inspections of all gang-related hard-copy files will be conducted on a quarterly basis by the Cal/Gang Node Administrator to maintain compliance with mandates of the California Gang Node Advisory Committee (CGNAC). The findings of these inspections must be reported in writing to the Department Gang Coordinator, as well as the respective Bureau Gang Coordinator.

The Cal/Gang Node Administrator will periodically conduct inspections of the geo-coding status of locations entered into the Cal/Gang System, the Inactive and Deceased Files, and the accuracy of Cal/Gang records and their entries. The findings of these inspections will be reported to the Department Gang Coordinator as well as the respective Bureau Gang Coordinator.

Purging. The Cal/Gang System will automatically purge individuals from the database after five years of inactivity and the existing Cal/Gang Card or Subject Identification Card will be moved to the Inactive File. A deceased gang member's Cal/Gang Card or Subject Identification Card must be filed in the Inactive File and/or deceased file. Incarcerated gang members/affiliates will remain in the Cal/Gang System for a maximum period of five years unless the database file is updated with current information to extend their active status.

Note: Cal/Gang or Subject Identification Cards of inactive and deceased individuals without a Cal/Gang number must be removed from the files and destroyed.

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